

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Bradford J. Sandler
Paul J. Labov
Edward A. Corma
PACHULSKI STANG ZIEHL & JONES LLP
1700 Broadway, 36th Floor
New York, NY 10019
Telephone: (212) 561-7700
Facsimile: (212) 561-7777
Email: bsandler@pszjlaw.com
plabov@pszjlaw.com
ecorma@pszjlaw.com

Peter O. Larsen (admitted *pro hac vice*)
Raye Elliott (admitted *pro hac vice*)
AKERMAN LLP
50 North Laura Street, Suite 3100
Jacksonville, FL 32202
Telephone: (904) 798-3700
Facsimile: (904) 798-3730
Email: peter.larsen@akerman.com
raye.elliott@akerman.com

Counsel to the Plan Administrator

In re:

20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc., *et.al.*,

Debtors.

MICHAEL GOLDBERG, as Plan Administrator for
20230930-DK-BUTTERFLY-1, INC. f/k/a Bed Bath
& Beyond, Inc.,

Plaintiff,

v.

NEW JERSEY ECONOMIC DEVELOPMENT
AUTHORITY,

Defendant.

Chapter 11

Case No. 23-13359 (VFP)

(Jointly Administered)

Adversary Proceeding No. 24-01443-VFP

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiff, Michael Goldberg, in his capacity as Plan Administrator for 20230930-DK-Butterfly-1, Inc. f/k/a Bed Bath and Beyond, Inc.¹ and affiliated debtors (the “Debtors”), by and through undersigned counsel, appeals to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 158(a) and Rule 8004 of the Bankruptcy Rules, from the May 19, 2025 *Order Denying Plaintiff’s Motion for Leave to File an Amended Complaint* (Doc. 51) (the “Order”) of the United States Bankruptcy Court for the District of New Jersey. A true and correct copy of the Order is annexed hereto as **Exhibit A**.

The other party to the Order is Defendant, New Jersey Economic Development Authority, whose attorneys are Jeffrey Bernstein, Esq. and Elliott Berman, Esq. of McElroy, Deutsch, Mulvaney & Carpenter, LLP, 570 Broad Street, Suite 1401, Newark, NJ 07102, Telephone: (973) 565-2183.

Dated: May 30, 2025

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Edward A. Corma

Bradford J. Sandler

Paul J. Labov

Edward A. Corma

1700 Broadway, 36th Floor

New York, NY 10019

Telephone: (212) 561-7700

Facsimile: (212) 561-7777

Email: bsandler@pszjlaw.com

plabov@pszjlaw.com

ecorma@pszjlaw.com

-and-

¹ Pursuant to the Certificate of Amendment of the Certificate of Incorporation of Bed Bath & Beyond, Inc. which was filed with the State of New York Department of State on September 21, 2023, the name of the entity formerly known as “Bed Bath & Beyond, Inc.” was changed to 20230930-DK-Butterfly, Inc.

Peter O. Larsen (*admitted pro hac vice*)
Raye Elliott (*admitted pro hac vice*)
AKERMAN LLP
50 North Laura Street, Suite 3100
Jacksonville, FL 32202
Telephone: (904) 798-3700
Facsimile: (904) 798-3730
Email: peter.larsen@akerman.com
raye.elliott@akerman.com

Counsel to the Plan Administrator

EXHIBIT A

**THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

Jeffrey Bernstein, Esq.
**MCELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP**

570 Broad Street, Suite 1401

Newark, NJ 07102

Telephone: (973) 565-2183

Facsimile: (973) 622-5314

E-mail: jbernstein@mdmc-law.com

*Counsel to New Jersey Economic Development
Authority*

In re:

20230930-DK-BUTTERFLY-1, INC., f/k/a BED
BATH & BEYOND INC., *et al.*,

Debtors.

MICHAEL GOLDBERG, as Plan Administrator for
20230930-DK-BUTTERFLY-1, INC., f/k/a Bed Bath
& Beyond Inc.,

Plaintiff,

v.

NEW JERSEY ECONOMIC DEVELOPMENT
AUTHORITY,

Defendant.



Order Filed on May 19, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No. 23-13359 (VFP)

(Jointly Administered)

Adv. No. 24-01443-VFP

**ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO FILE AN AMENDED COMPLAINT**

The relief set forth on the following page, numbered two (2), is hereby **ORDERED**.

DATED: May 19, 2025

Honorable Vincent F. Papalia
United States Bankruptcy Judge

Upon the motion (the “Motion”) of Plaintiff, Michael Goldberg, as Plan Administrator for 20230930-DK-BUTTERFLY-1, Inc., f/k/a Bed Bath & Beyond Inc. (“Plaintiff”), in the above-captioned adversary proceeding (the “Adversary Proceeding”), for an order granting Plaintiff leave to file an amended complaint against Defendant, New Jersey Economic Development Authority (“NJEDA”), pursuant to Federal Rule of Civil Procedure 15(a)(2), made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 7015; and having reviewed the Motion and all papers filed in opposition thereto and in connection therewith; and after an opportunity for a hearing on the Motion that took place on May 13, 2025 (the “Hearing”); and it appearing that due and adequate notice of the Motion having been given to all parties entitled thereto and no other or further notice is necessary;

IT IS HEREBY ORDERED as follows:

1. The Motion is DENIED with prejudice on the grounds stated on the record at the Hearing.
2. The Adversary Proceeding is hereby dismissed with prejudice.

Form order – ntcorder

UNITED STATES BANKRUPTCY COURT

District of New Jersey
MLK Jr Federal Building
50 Walnut Street
Newark, NJ 07102

In Re: Bed Bath & Beyond Inc.
Debtor

Case No.: 23–13359–VFP
Chapter 11

Michael Goldberg
Plaintiff

v.

New Jersey Economic Development Authority
Defendant

Adv. Proc. No. 24–01443–VFP

Judge: Vincent F. Papalia

NOTICE OF JUDGMENT OR ORDER
Pursuant to Fed. R. Bankr. P. 9022

Please be advised that on May 19, 2025, the court entered the following judgment or order on the court's docket in the above-captioned case:

Document Number: 51 – 41
Order Denying Plaintiff's Motion for Leave to File an Amended Complaint (Related Doc # 41). Service of notice of the entry of this order pursuant to Rule 9022 was made on the appropriate parties. See BNC Certificate of Notice. Signed on 5/19/2025. (mcp)

Parties may review the order by accessing it through PACER or the court's electronic case filing system (CM/ECF). Public terminals for viewing are also available at the courthouse in each vicinage.

Dated: May 19, 2025
JAN: mcp

Jeanne Naughton
Clerk